

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CSX Transportation, Inc.

Plaintiff

v.

Norfolk Southern Railway Company, *et al.*

Defendants

C.A. No. 2:18-cv-00530-MSD-LDL

**VIRGINIA INTERNATIONAL TERMINALS, LLC’S
MOTION TO QUASH**

Pursuant to Federal Rules of Civil Procedure 26 and 45, Virginia International Terminals, LLC (“VIT”), a non-party to the above-captioned litigation, moves to quash or otherwise modify the subpoena *duces tecum* issued to it in this matter by Norfolk and Portsmouth Belt Line Railroad Company (“Defendant” or “NPBL”). Specifically, the subpoena should be quashed for the following reasons: (1) the subpoena did not provide a reasonable time for compliance; (2) the subpoena is overly broad and unduly burdensome in its timeframe and requests for electronically stored information from a non-party which could have been obtained from a party; (3) compliance would require the disclosure of privileged, confidential, and proprietary commercial information; and (4) the subpoena calls for documents of a custodian that is not a VIT custodian and/or for VIT to search its records and electronically stored information for reference to correspondences between non-VIT parties. In support of its Motion, VIT files the accompanying Memorandum in Support.

Dated: March 16, 2020

VIRGINIA INTERNATIONAL TERMINALS, LLC

By: /s/ Edward J. Powers
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on Monday, March 16, 2020, a true and accurate copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record:

/s/ Edward J. Powers